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(STAMP) ORIGINAL FILED
MAR 6, 1980

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK, NEW JERSEY

- - - - - - - - - - - - - -

HERBERT A. COCHRANE,
Pro Se. Plaintiff.

vs.

KARL N. MARX, et al.
Defendants.

(DOCKET NO. 80-629

CIVIL ACTION

COMPLAINT.

Jurisdiction is founded in the criminal abuses of judicial processes in New Jersey State Courts, being violations of both State and Federal law.

The undersigned Plaintiff, Herbert A.

Cochrane, charges that the defendants herein participated in a common design or conspiracy to commit and did commit libels, attacks, and unlawfull activities upon the Plaintiff, as defined in N.J. S.A. 2A:43-1 (privileged communications), 2A:170-26 (assaults), and 2A:170-27 (fighting).

The New Jersey Attorney Generals are specifically charged also with unlawfull activities as defined in N.J.S.A. 52:17B-4(b), (d), (g); 52:17B-99; 52:17B-101; 52:17B-102; 52:17B-107; and 52:17B -115.

All defendants named herein are charged with personal and vicarious liability, as defined in N.J.S.A. 59:2-10, 59:3-14, and international common law; precluding collective or State liability.

Defendants crimes included, but were not limited to plunder and spoliation of Federal and State funds, which were and still are allocated to the maintenance and construction of State-owned and operated industries of New Jersey.

Millions upon millions of dollars for staffing, maintenance, and new construction, were plundered in the report writings above the defendants signatures.

All defendants here are charged with unlawfull activities as defined in N.J.S.A. 2A: 98-1 (conspiracy, etc.).

The persons accused as guilty of these crimes and accordingly named as defendants in this case are -

KARL N. MARX. Business Manager of Greystone Park Psychiatric Hospital. Greystone Park, N.J. 07950.

RICHARD E. WINANS. Former Personnel Manager at Greystone Park, N.J.

MORRIS C. FOYE, III. Former Chief Executive Officer, or Hospital Administrator at Greystone Park, N.J.

WILLIAM F. HYLAND. Former New Jersey Attorney General, Trenton, N.J.

JOHN J. DEGNAN. Current New Jersey General, Trenton, N.J.

COUNT ONE - COMMON DESIGN OR CONSPIRACY

1. Between April 6, 1973 and the present date, the defendants herein, acting pursuant to a common design, unlawfully, willfully, and knowingly did conspire and agree together and with each other and with divers other persons, to commit unlawful activities against this Plaintiff and others, as defined in the opening paragraphs above.

2. Throughout the period covered by this Complaint, all of the defendants herein, acting in concert with each other and with others, unlawfully, willfully, and knowingly were principles in, accessories to, ordered, abetted, took a consenting part in, and were connected with plans and enterprises involving unlawful activities against this Plaintiff and others.

3. All of the defendants herein, acting in concert with others, unlawfully, willfully, and knowingly, participated as leaders, organizers, and accomplices in the formulation and execution of the said common design, conspiracy, plans, and enterprises to commit, and which involved the commissions of unlawful activities, and accordingly are individually responsible for their own acts and for all acts performed by any person or persons in execution of the said common design, conspiracy, plans, and enterprises.

4. The said common design, conspiracy, plans, and enterprises embraced the commission of willful libels, assaults, and plunder of Federal and State funds allocated for State-owned and operated industries, as set forth in Counts Two and Three of this Complaint; in that the defendants unlawfully, willfully, and knowingly encouraged, aided, abetted, and participated in the commissions of unlawful activities against this Plaintiff and others.

5. The said common design, conspiracy, plans, and

enterprises embraced the use of so-called grievance procedures, incident report writings, complaints, etc., as a powerful subterfuge and artifice for the willful filing of libels and vilifications, as set forth in Count Two of this Complaint. This resulted in the Plaintiff being subjected to criminal abuses in managerial and record keeping processes; including criminal abuse of discretion, unwarranted imposition of false reports about this Plaintiff, and endorsing further attacks, libels, and victimizations against this Plaintiff.

COUNT TWO - WILLFUL LIBEL AND MALICE

6. That on April 6, 1973, defendant Marx prepared and mailed to this Plaintiff, a libelous letter, above his signature, and in his official capacity as Business Manager of Greystone Park Psychiatric Hospital; which letter can be considered as another fraudulent report by an industrial faker in every sense. Defendant Marx's activity resulted in the

Plaintiff being formally and officially indicated as one who could be very easily libeled, attacked, victimized, etc., by everyone and anyone at this State-owned and operated industry at Greystone Park. Defendant Marx is charged with special responsibility for, and participation in this unlawful activity.

7. That on June 22, 1976, defendant Marx herein prepared and mailed to the Plaintiff, another libelous communication, of the type set forth above in paragraph 6, and is incorporated herein by reference.

8. Defendant Marx herein, unlawfully, willfully, and knowingly ordered the filing of such libelous and depraved report writings about this Plaintiff in the Plaintiff's file folder in the Personnel Department; resulting in the Plaintiff being officially victimized, libeled, and degraded.

9. Defendant Marx had additional copies circulated throughout the State-owned and operated industry, which copies were to be considered as reliable, trustworthy, and honest report writings. This resulted

in further, wide-spread libeling, victimizing, and degrading of Plaintiff; together with, official and formal endorsement by the State-owned and operated industry, to attack, victimize, libel, etc. this Plaintiff at every pretense offered.

10. That on June 6, 1977, defendant Winans herein prepared and mailed to the Plaintiff, a criminally libelous communication, above his signature, and in his official capacity as Personnel Director at Greystone Park. This communication charged commissions of felony assaults by this Plaintiff, and said commissions of felonies required the Plaintiff being excluded from the dormitories, by these criminal libels. The particulars of having additional copies circulated about are set forth above as in paragraphs 8 and 9, and are incorporated herein by reference.

11. All the defendants named herein engaged in willful libel, which is particularized above in paragraphs 6 through 10 of this Count Two, and is incorporated herein by reference. Defendants Marx,

Winans, Ryland, Degnan, and Foye are charged with special responsibility for, and participation in these unlawful activities.

COUNT THREE - PLUNDER AND SPOLIATION

12. All of the defendants herein, with divers other persons, throughout the period covered by this Complaint, engaged in unlawful activities as defined in N.J.S.A. 2A:98-1; 52:17B-101; 52:17B-102; 52:17B-107; and U.S.C.A. 18 paragraph 1510; as well as 41 paragraph 321, in that they plundered Federal and State funds allocated for State-owned and operated industries, resulting in privation and suffering to millions of the inhabitants.

13. The defendants committed crimes of fraud, as set forth in paragraph 12, in that they were principles in, accessories to, ordered, abetted, took a consenting part in, were connected with plans and enterprises involving, and were members of organizations and groups, including favored officials which

were connected with the commission of frauds in State-owned and operated industries.

14. In consequence of a deliberate design and policy, the inhabitants were exploited in a ruthless way far beyond requirements, and in disregard of the need of the local and national economy. The pretended demands made on the economies of the State and Federal budgets were out of all proportion to their resources, and inflicted severe suffering upon the inhabitants.

15. The defendants exercised pervasive influence and authority in the State Attorney Generals, U.S. Attorney Generals, and legislatures; and exercised important functions in respect to the spoliation of State-owned and operated industries, through and by means of their membership, representation, control and influence in the Department of Human Services, National Health Organizations, etc.

16. Throughout New Jersey, Defendants were heavily engaged in spoliation and plundering activities. The U.S. and N.J. Attorney Generals offices, and

other agencies, participated in spoliation deals and negotiations and attempted to give them the color of lawfulness. New construction projects, maintenance projects, industrial staffing, and other projects and human labor were the targets of the defendants economic plans and activities to encourage, assist, and take advantage of the inhabitants un-informed and mis-informed status, when reading defendants report writings for Federal and State funds. To a trained observer, these report writings were and are, monumental frauds, advanced by industrial fakers in every sense.

With these particularized charges set forth on the decision making activities of the Defendants named herein; it is respectfully submitted to the Court that punitive and compensatory damages are justified for the Plaintiff, on a personal and vicarious liability basis.

Wherefore, this unlawful activity Complaint is filed with the Clerk of the United States District Court, District of New Jersey, Newark, New Jersey; and the charges herein made against the above-named Defendants are hereby presented to said United States District Court.

March 2, 1980

(signed)

Herbert A. Cochrane, Pro Se.
Plaintiff.

P.O. BOX # 71 - G

Greystone Park

New Jersey

07950 - 9071

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY.

Civil No. 80 - 629
Hon. L. Curtis Meanor

HERBERT COCHRANE, :

Plaintiff, REPORT

v. : AND

KARL H. MARX, et al., RECOMMENDATION

Defendants. :

.....

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MAY 16, 1980

This pro se plaintiff alleges in his complaint that, jurisdiction is founded in the "criminal abuses of judicial processes in New Jersey State courts being violations of both State and Federal law". The complaint charges that the defendants participated in a common design or conspiracy to commit and did commit libel, assault

and diverse other unlawful activities upon the plaintiff. Plaintiff claims that the libel alleged in his complaint is defined in N.J.S.A. 2A:43-1, that assault is defined in N.J.S.A. 2A:170-26 and fighting is defined in N.J.S.A. 2A:170-27. The plaintiff also contends in highly conclusory and general terms that two New Jersey Attorneys General were guilty of misfeasance in office in that they failed to carry out the duties imposed upon them by N.J.S.A. 52:17B-4 et seq.

Named as defendants are William F. Hyland and John J. Degnan, respectively the former and current New Jersey Attorney General, Karl H. Marx, the business manager of Greystone Park Psychiatric Hospital, Richard E. Winans, a former personnel manager at the Greystone Park hospital and Morris C. Foye, III, a former chief executive officer at Greystone Park. An answer on behalf of all the named defendants has been filed, although no service was actually made upon defendants Winans, Foye and Hyland.

Count One of the complaint alleges a conspiracy to commit wilful libels, assaults, and plunder of Federal and State funds. Although Count One contains five separate paragraphs the alleged fraudulent behavior is not pleaded with particularity.

Count Two of the complaint alleges that on April 6, 1973 defendant Marx prepared and mailed to the plaintiff a certain libelous letter. The contents of the letter are not revealed in the complaint. Count Two also alleges that on June 22, 1976 defendant Marx prepared and mailed to plaintiff another libelous communication. The plaintiff further claims that defendant Marx caused these libelous letters to be filed in plaintiff's personnel folder thus communicating the libel. Defendant Winans is also alleged to have libeled the plaintiff on June 6, 1977 by charging plaintiff with an assault.

The Third Count of the complaint charges that all the defendants committed the crimes of fraud and were members of organizations and groups

involved in the commission of frauds on State owned and operated industries. The complaint alleges that as a result of this fraudulent activity of the plaintiffs (* see foot-note) the inhabitants of the State of New Jersey have been exploited and the national economy has been endangered.

Rule 8(a) (1) Fed. R. Civ. P. requires that a complaint contain "a short and plain statement of the grounds upon which the court's jurisdiction depends". The complaint in this case has failed to comply with this rule and does not show on its face that there is subject matter jurisdiction in this court. On the contrary, the face of the complaint reveals that there is no subject matter jurisdiction in this court. By its terms the complaint is one for libel and is also in the nature of a criminal complaint against certain State officials for a variety of unknown crimes. It is clear

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(* foot-note) plaintiffs, should read as defendants. Error in typing at Newark District Court.

that the complaint is not based on any federal question jurisdiction. There is no diversity of citizenship. All parties are quite obviously citizens of the State of New Jersey. Although plaintiff's citizenship is not specifically stated, his residence is given as P.O. Box #71-C, Greystone Park, New Jersey, and it can be inferred that he is a citizen of this state.

The federal court being one of limited jurisdiction, a complaint must demonstrate that a basis for jurisdiction exists. 5, Wright & Miller, Fed. Prac. & Proc.: Civil Section 1206. "Whenever it appears by suggestion . . . that the court lacks jurisdiction of the subject matter, the court shall dismiss the action". Fed. R. Civ. P. 12(h) (3). "It is Hornbook law that the jurisdiction of a district court of the United States must appear affirmatively on the face of the pleading . . . ". Patton v. Baltimore and O. R. Co. 197 F.2d., 732, 743 (3rd. Cir. 1952). The burden is upon plaintiff to establish the basis of federal jurisdiction.

Tunzmore v. Bethlehem Steel Corporation, 457 F. 2d. 1320 (3rd. Cir. 1972).

It should be noted that the plaintiff expressly disavows an intention to sue the named defendants for acts committed in the course of their official duties. Plaintiff has moved for an order to disqualify the Attorney General of the State of New Jersey from appearing as counsel for the defendants in this action on the ground that this suit has been brought only on a personal basis and thus the Attorney General's office is not obliged to make a defense for these defendants. The plaintiff has clearly indicated that he has no intention of claiming that defendants acted under color of state law. Thus the complaint cannot be read to allege a claim under 42 U.S.C.A. paragraph 1983.

It is respectfully recommended that this matter be dismissed with costs to be awarded to the defendants.

(signed)
Serena Ferretti
United States Magistrate

Dated: May 16, 1980.

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY.
CIVIL ACTION NO. 80 - 629

HERBERT COCHRANE :
Plaintiff. :

v. : ORDER

KARL N. MARX, et al. :
Defendants. :

:

(STAMP) ORIGINAL FILED
JUN. 9, 1980

The court having read the Report and Recommendation of the Honorable Serena Perretti, United States Magistrate, filed May, 16, 1980 and the court having considered the objections thereto filed by the plaintiff Herbert Cochrane on May 30, 1980, the allegation of jurisdiction filed by plaintiff on May 30, 1980 and the application of plaintiff for an extension of time to file further objections,

IT IS on this 5th. day of June 1980 O R D E R E D

1. Plaintiff's application for an extension of time to file further objections to Judge Perretti's Report and Recommendations is hereby denied.

2. Plaintiff's appeal from the denial by Judge Perretti of plaintiff's motion to strike is denied.

3. The Report and Recommendation of the Honorable Serena Perretti, United States Magistrate, is hereby adopted as the opinion of the court.

4. Plaintiff's complaint is hereby dismissed with prejudice and with costs.

(signed)

H. CURTIS MEANOR

U.S.D.J.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

NO. 80 - 2113

HERBERT A. COCHRANE,
Appellant

v.

KARL N. MARX, RICHARD E. WINANS, MORRIS C. FOYE, III, WILLIAM F. RYLAND, and JOHN J. DEGNAN.

On Appeal from the United States District Court for the District of New Jersey.
C.A. No. 80 - 00629

Submitted Under Third Circuit Rule 12 (6)
February 5, 1982

Before: ADAMS, VAN DUSEN and WEIS, Circuit Judges.

JUDGMENT ORDER

After considering all of the contentions raised by appellant, it is

ADJUDGED AND ORDERED that the judgment of the district court be and is hereby affirmed. The motion to supplement the record is denied as moot.

Each side to bear its own costs.

BY THE COURT

(signature illegible, possibly Adams)
Circuit Judge

ATTEST:

(signature)
Sally Mrvos, Clerk

DATED: Feb. 16, 1982

Certified as a true copy and issued in lieu of a formal mandate on March 23, 1982.

Test:
Chief Deputy Clerk, United States Court of Appeals for the Third Circuit.
(signature illegible)

(RED STAMP) C O P Y

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT.

No. 80 - 2113

HERBERT A. COCHRANE,
Appellant

v.

KARL N. MARX, etc., et al.

(C.A. No. 80 - 00629)

SUR PETITION FOR REHEARING
EN BANC.

Present: SEITZ, Chief Judge, ALDISERT, ADAMS, GIBBONS, HUNTER, WEIS, GARTH, HIGGINBOTHAM, SLOVITER, BECKER, and VAN DUSEN, Circuit Judges.

The petition for rehearing filed by Appellant in the above entitled case having been submitted to the judges who participated in the decision of this court and to all the other available circuit judges of the circuit in regular active service, and no

judge who concurred in the decision having asked for rehearing, and a majority of the circuit judges of the circuit in regular active service not having voted for rehearing by the court in banc, the petition for rehearing is denied.

By the Court,

(signature illegible, possibly Adams)
Circuit Judge

Dated: March 15, 1982

2A:43-1. Privileged communications (Libel and Slander).

The privileged character attaching to the publication of judicial or other proceedings shall extend to the publication in any newspaper of official statements issued by police department heads, county prosecutors and coroners in investigations in progress or completed by them, and which are accepted in good faith by the publisher of any newspaper, and the privileged character thereof shall be a good defense to any action for libel, unless malice in fact be shown by the plaintiff therein. (Emphasis supplied).

2A:170-26. Assault; assault and battery.

Any person who commits an assault or an assault and battery is a disorderly person.

2A:170-27. Fighting.

Any 2 or more persons who fight together, or

commit or attempt to commit assaults and batteries upon each other, either in public or in a private place, or are present, aiding, assisting or abetting the same, are jointly disorderly persons.

52:17B-4. Powers and duties of Attorney General.

The Attorney General, in addition to the functions, powers and duties specifically conferred and imposed upon him, shall:

b. Have general responsibility for the department's operation under this act;

d. Formulate and adopt rules and regulations for the efficient conduct of the work and general administration of the department, its officers and employees;

g. Be the request officer of the department within the meaning of such term as defined in chapter one hundred twelve of the laws of one thousand nine hundred and forty-four;

52:17B-99. Division of criminal justice.

There is hereby established in the State Department of Law and Public Safety the Division of Crim-

inal Justice. The division shall be under the immediate supervision of a director who shall be appointed by and serve at the pleasure of the Attorney General and who shall administer the work of the division under the direction and supervision of the Attorney General. The Attorney General shall fix the compensation of the director within the limits of available appropriations.

52:17B-101. Functions, powers and duties of attorney general; enforcement of criminal business.

All the functions, powers and duties of the Attorney General relating or pertaining to the enforcement and prosecution of the criminal business of the State and of any county of the State shall be exercised by the Attorney General through the Division of Criminal Justice established hereunder.

52:17B-102. Remaining powers and duties of attorney General.

The powers and duties of the Attorney General with respect to the enforcement of the crim-

inal laws of the State shall be the powers and duties now or hereafter conferred upon or required of the Attorney General, either by the Constitution or by the common or statutory law of the State, and as specifically but not exclusive ly detailed in this act.

52:17B-107. Appearance of attorney general for state in investigations, criminal actions or proceedings.

a. Whenever in the opinion of the Attorney General the interests of the State will be furthered by so doing, the Attorney General may (1) supersede a county prosecuter in any investigation, criminal action or proceeding, (2) participate in any investigation, criminal action or proceeding, or (3) initiate any investigation, criminal action or proceeding. In such instances, the Attorney General may appear for the State in any court or tribunal for the purpose of conducting such investigations, criminal actions or proceedings as shall be necessary to promote and safeguard the public interests of the State and secure

the enforcement of the laws of the State.

b. The Attorney General may in his discretion act for any county prosecutor in representing the interests of the State in any and all appeals and applications for post-conviction remedies.

52:17B-115. Employee rights.

Nothing in this act shall be construed to deprive any person of any tenure rights or of any right or protection provided him by Title 11 of the Revised Statutes, Civil Service, or under any pension law or retirement system.

59:2-10. Public employee conduct - limitation on entity liability.

A public entity is not liable for the acts or omissions of a public employee constituting a crime, actual fraud, actual malice, or willful misconduct.

Comment - 1972.

This provision recognizes the existing law and public policy that a public entity should not be vicariously liable for such conduct of its employees. In addition it adopts the concept noted in O'Connor

v. Harms, et al., 111 N.J. Super. 22, 26 - 27, 266 A. 2d 605 (App. Div. 1970) that:

> "a public corporation such as a city or other public body, by reason of its being an artificial legal entity created by law to perform limited governmental functions, cannot entertain malice, as a public corporation".

59:3-14. Public employee immunity - exception.

a. Nothing in this act shall exonerate a public employee from liability if it is established that his conduct was outside the scope of his employment or constituted a crime, actual fraud, actual malice or willful misconduct.

b. Nothing in this act shall exonerate a public employee from the full measure of recovery applicable to a person in the private sector if it is established that his conduct was outside the scope of his employment or constituted a crime, actual fraud, actual malice or willful misconduct.

(From page 5a)

2A:98-1. Conspiracy.

Any 2 or more persons who conspire:

a. To commit a crime; or

b. Falsely and maliciously to indict another for a crime, or to procure another to be charged or arrested; or

c. Falsely to institute and maintain any suit; or

d. To cheat and defraud a person of any property by any means which are in themselves criminal; or

e. To cheat and defraud a person of any property by any means which, if executed, would amount to a cheat; or

f. To obtain money by false pretenses; or

g. To conceal or spread any contagious disease; or

h. To commit any act for the perversion or obstruction of justice or the due administration of the laws -

UNITED STATES CODE ANNOTATED

5 U.S.C.A. Paragraph 706. Scope of review. (Page 9)

To the extent necessary to decision and when presented, the reviewing court shall decide all relevant questions of law, interpret constitutional and statutory provisions, and determine the meaning or applicability of the terms of an agency action. The reviewing court shall -

(1) compel agency action unlawfully withheld or unreasonably delayed; and

(2) hold unlawful and set aside agency action, findings, and conclusions found to be -

(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law;

(B) contrary to constitutional right, power, privilege, or immunity;

(C) in excess of statutory jurisdiction, authority, or limitations, or short of statutory right;

(D) without observance of procedure required by law;

(E) unsupported by substantial evidence in a case subject to sections 556 and 557 of this title or otherwise reviewed on the record of an agency hearing provided by statute; or

(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.

In making the foregoing determinations, the court shall review the whole record or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

18 U.S.C.A. Paragraph 1510. (see footnote)(Page 11a)

(a) Whoever willfully endeavors by means of bribery, misrepresentation, intimidation, or force or threats thereof to obstruct, delay, or prevent the communication of information relating to a violation of any criminal statute of the United States by any person to a criminal investigator; or

Whoever injures any person in his person or property on account of the giving by such person or by any other person of any such information to

(Foot-note) Obstruction of criminal investigations.

any criminal investigator.

Shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) As used in this section, the term "criminal investigator" means any individual duly authorized by a department, agency, or armed force of the United States to conduct or engage in investigations of or prosecutions for violations of the criminal laws of the United States.

28 U.S.C.A. Paragraph 1254 (1) and (3).(*)(Page 2)

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(3) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy,

(*) Courts of appeals; certiorari, appeal; certified questions

28 U.S.C.A. Paragraph 1257 (3). State courts; appeal; certiorari. (Pages 2, 3a, 14a,37a)

By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

28 U.S.C.A. Paragraph 1291. Final Decisions of district courts. (Page 1)

The courts of appeals shall have jurisdiction of appeals from all final decisions of the district courts of the United States, etc.

28 U.S.C.A. Paragraph 1331. Federal question; amount in controversy; costs. (Pages 1, 7, 12)

(a) The district courts shall have original jurisdiction of all civil actions wherein the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, and arises under the Constitution, laws, or treaties of the United States.

28 U.S.C.A. Paragraph 1332; (a) (1) and (c). Diversity of citizenship; amount in controversy; costs. (Pages 1, 7, 10, 12, and 17).

(a) The district courts shall have original jurisdiction where the matter in controversy exceeds the sum or value of $10,000, exclusive of interest and costs, and is between -

(1) citizens of different States;

(c) For the purposes of this section and sect-

ion 1441 of this title, a corporation shall be deemed a citizen of any State by which it has been incorporated and of the State where it has its principal place of business: Provided further, That in any direct action against the insurer of a policy or contract of liability insurance, whether incorporated or unincorporated, to which action the insured is not joined as a party-defendant, such insurer shall be deemed a citizen of the State of which the insured is a citizen, as well as of any State by which the insurer has been incorporated and of the State where it has its principal place of business.

28 U.S.C.A. Paragraph 1441, (b). Actions removable generally. (Pages 1, 6, 13, 17).

(b) Any civil action of which the district courts have original jurisdiction on a claim or right arising under the Constitution, treaties or laws of the United States shall be removable without regard to the citizenship or residence of the parties. Any other such action shall be removable only if none

of the parties in interest properly joined and served as defendants is a citizen of the State in which such action is brought.

28 U.S.C.A. Paragraph 1443. Civil rights cases.

(Pages i, 2, 6, 12, 17).

Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

28 U.S.C.A. Paragraph 1446 (c). Procedure for Removal.

(Pages i, 7, 17).

(c) The petition for removal of a criminal prosecution may be filed at any time before trial.

41 U.S.C.A. Paragraph 321. Limitation on pleading contract-provisions relating to finality; standards of review. (Page 11a)

CHAPTER 5. - JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS.

No provision of any contract entered into by the United States relating to the finality or conclusiveness of any decision of the head of any department or agency or his duly authorized representative or board in a dispute involving a question arising under such contract, shall be pleaded in any suit now filed or to be filed as limiting judicial review of any such decision to cases where fraud by such official or his said representative or board is alleged: Provided, however, That any such decision shall be final and conclusive unless the same is fraudulent or capricious or arbitrary or so grossly

erroneous as necessarily to imply bad faith, or is not supported by substantial evidence.

42 U.S.C.A. Paragraph 1983. Civil Action for deprivation of rights. (Pages 13, 20a)

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

UNITED STATES CONSTITUTION, ARTICLE IV, SECTION 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws (emphasis supplied).

CURRENT

RULES GOVERNING THE COURTS

of the

STATE OF NEW JERSEY

Amendments to April 1, 1978.

4:23-2. Failure to Comply with Order. (From page 5)

(b) (1) An order that the matters regarding which the order was made or any other designated facts shall be taken to be established for the purpose of the action in accordance with the claim of the party obtaining the order.

(b) (2) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing designated matters in evidence.

(b) (3) An order striking out pleadings or parts thereof, or staying further proceedings untill the order is obeyed, or dismissing the action or proceeding or any part thereof, or rendering a judg-

ment by default against the disobedient party.

4:46-2. Motion and Proceedings Thereon. (From page 5)

The motion for summary judgment shall be served with briefs and with or without supporting affidavits. The judgment or order sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories and admissions on file; together with the affidavits, if any, show that there is no genuine issue as to any material fact challenged and that the moving party is entitled to a judgment or order as a matter of law. The court shall find the facts and state its conclusions in accordance with R 1:7-4.

4:18-2. Copies of Documents Referred to in Pleading

When any document or paper is referred to in a pleading but is neither annexed thereto nor recited verbatim therein, a copy thereof shall be served on the adverse party within 5 days after service of his written demand therefor.

TRIALS OF WAR CRIMINALS BEFORE NUERNBERG MILITARY TRIBUNALS

Case No.	United States of America against	Popular Name	Volume No.
1	Karl Brandt, et al.	Medical Case	I and II
2	Erhard Milch	Milch Case	II
3	Josef Altstoetter, et al.	Justice Case	III
4	Oswald Pohl, et al.	Pohl Case	V
5	Friedrich Flick, et al.	Flick Case	VI
6	Carl Krauch, et al.	I. G. Farben Case	VII and VIII
7	Wilhelm List, et al.	Hostage Case	XI
8	Ulrich Greifelt, et al.	RuSHA Case	IV and V
9	Otto Ohlendorf, et al.	Einsatzgruppen Case	IV
10	Alfried Krupp, et al.	Krupp Case	IX
11	Ernst von Weizsaecker, et al.	Ministries Case	XII, XIII, and XIV
12	Wilhelm von Leeb, et al.	High Command Case	X and XI
	Procedure		XV

ARRANGEMENT BY SUBJECT UNITS FOR PUBLICATION*

Case No.	United States of America against	Popular Name	Volume No.
		Medical	
1	Karl Brandt, et al.	Medical Case	I and II
2	Erhard Milch	Milch Case	II
		Legal	
3	Josef Altstoetter, et al.	Justice Case	III
	Procedure		XV
		Ethnological (Nazi Racial Policy)	
9	Otto Ohlendorf, et al.	Einsatzgruppen Case	IV
8	Ulrich Greifelt, et al.	RuSHA Case	IV and V
4	Oswald Pohl, et al.	Pohl Case	V
		Economic	
5	Friedrich Flick, et al.	Flick Case	VI
6	Carl Krauch, et al.	I. G. Farben Case	VII and VIII
10	Alfried Krupp, et al.	Krupp Case	IX
		Military	
7	Wilhelm List, et al.	Hostage Case	XI
12	Wilhelm von Leeb, et al.	High Command Case	X and XI
		Political and Government	
11	Ernst von Weizsaecker, et al.	Ministries Case	XII, XIII, and XIV

*Although the subject material in many of the cases overlaps, it was believed that this arrangement of the cases would be most helpful to the reader and the most feasible for publication purposes.

New Jersey Department of Human Services
Federal Funding Loss Resulting From
FFY '82 Continuing Resolution Passed By Congress
($ millions)

Program	Anticipated FFY '82 Expenditures Before Cuts	$ Loss Continuing Resolution
Social Services Block Grant	$ 99.4	– $22
Medicaid	505	– 5
AFDC	318	– 30
Low Income Energy Assistance	71	– 3
Food Stamps	365	– 87
Child Welfare Services	5.3	– .2
Foster Care	2.2	0
Child Abuse/Neglect	.23	– .07
Runaway Youth	.3	– .01
Community Mental Health Services	12	– 2
Vocational Rehabilitation (Blind)	4.1	0
Cuban-Haitian Entrants	10	– 4.2
Cuban Phasedown	1.3	– 1.3
Refugee Resettlement	8.6	– .8
Title I Education of the Handicapped	3.1	– .2
Developmental Disabilities	1.35	– .01
Work Incentive Program	13.3	– 4.1
Total	$1416.18	– $159.89